

Appl. No. 10/945,403
Atty. Docket No. 8819C2
Amdt. Dated
Reply to Office Action of 04/19/2005
Customer No. 27752
APPENDIX I - Appeal Brief for 10/025,059, incorporated by reference into Reply to OA in US Ser.
No. 10/945,403.

APPENDIX I

P&G Case 8819

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application :
Christon et al. : Confirmation No. 6014
Serial No.: 10/025,059 : Group Art Unit 3761
Filed: December 19, 2001 : Examiner Kidwell

For Absorbent Article

APPELLANTS' BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Dear Sir,

This is responsive to the Advisory Action mailed on 2/23/2004 in the above-captioned application, setting a two (2) month period from the date of the Notice of Appeal filed on February 6, 2004, for filing an Appellants' Brief. This Appellant's Brief is being filed in triplicate.

REAL PARTY IN INTEREST

This Application has been assigned to The Procter & Gamble Company of Cincinnati, Ohio. The Inventors, Patricia Lee Christon, Bryan Keith Feller, Ronda Lynn Glassmeyer, and Rosa Alejandra Hernandez, assigned their respective interests to the Procter & Gamble Company in an assignment corresponding to application Serial No. 10/025,059, filed December 19, 2001 (recorded on February 12, 2002, at reel number 012647, and frame number 0335).

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to the Appellants, or known to Appellants' legal representative, that will directly affect the Board's decision in the present appeal.

STATUS OF CLAIMS

The present application was originally filed under 35 USC 111(a) with claims 1-18. Claims 1 and 5 were amended, Claim 18 was cancelled, and Claim 19 was added by an amendment on October 8, 2003. A reply (no claim amendment) was mailed on February 6, 2004 has not been

Continuation sheet page 2 of 2: Applicant Initiated Interview Request Form
Application No. 10/945,403
Examiner: Kidwell, Michele M
First Named Applicant: Christon
Art Unit: 3761

Interview issue No. 2: The Examiner cites Figure 11B as showing the "colored portion having a first shade 22 and a second shade 20."

Question 1: If in Figure 11B element 22 is the first shade, and element 20 is the second shade, what in Figure 11B is considered to be the colored portion? (I.e., where specifically is the identical disclosure of a colored portion shown in Figure 11B?)

Answer: _____

Question 2: What in Figure 11B is considered to be the non-colored portion? (I.e., where specifically is the identical disclosure of a non-colored portion shown in Figure 11B?)

Answer: _____

Interview issue No. 3: The Examiner cites Figure 11B as showing the "the first shade being positioned substantially centrally within the second shade."

Question 3: How does Figure 11B show the first shade being positioned "substantially centrally" within the second shade?

Answer: _____

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By _____

Signature

Roddy M. Bullock

Typed or Printed Name
Registration No. 37,290
(513) 634-0870

Date:
Customer No. 27752

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

Complete if Known

Application Number	To Be Assigned
Confirmation Number	To Be Assigned
Filing Date	December 19, 2001
First Named Inventor	Patricia Lee Christon, et al.
Examiner Name	To Be Assigned
Group/Art Unit	To Be Assigned
Attorney Docket No.	8819

10/02/01

12/19/01

TOTAL AMOUNT OF PAYMENT (\$740.00)**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
- Deposit Account Number 16-2480
- Deposit Account Name The Procter & Gamble Company
- ☒ Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17

FEE CALCULATION**1. BASIC FILING FEE - Large Entry**

Code (\$)	Fee Description	Fee Paid
101 740	Utility filing fee	[740]
106 330	Design filing fee	0
108 740	Reissue filing fee	0
114 160	Provisional filing fee	0
SUBTOTAL (1)		(\$)[740]

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE - Large Entry

	Extra	Fee from	Fee
Total Claims	Claims	Below	Paid
[18] - 20** =	[0] x	0	= [0]
Independent Claims [2] - 3** =	[0] x	[84]	= [0]
Multiple Dependent		0	= 0

** or number previously paid, if greater, For Reissues, see below

Code (\$)	Fee Description
103 18	Claims in excess of 20
102 84	Independent claims in excess of 3
104 280	Multiple dependent claim, if not paid
109 84	**Reissue independent claims over original patent
110 18	**Reissue claims in excess of 20 & over original patent

SUBTOTAL (2) (\$)[0]**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Code (\$)	Fee Description	Fee Paid
105 130	Surcharge-late filing fee or oath	0
127 50	Surcharge-late provisional filing fee or cover sheet	0
139 130	Non-English specification	0
147 2,520	For filing a request for <i>ex parte</i> reexamination	0
112 920*	Requesting publication of SIR prior to Examiner's action	0
113 1,840*	Requesting publication of SIR after Examiner's action	0
115 110	Extension for reply within 1 st month	0
116 400	Extension for reply within 2 nd month	0
117 920	Extension for reply within 3 rd month	0
118 1,440	Extension for reply within 4 th month	0
128 1,960	Extension for reply within 5 th month	0
119 320	Notice of Appeal	0
120 320	Filing a brief in support of an appeal	0
121 280	Request for oral hearing	0
138 1,510	Petition to institute a public use proceeding	0
140 110	Petition to revive - unavoidable	0
141 1,280	Petition to revive - unintentional	0
142 1,280	Utility issue fee (or reissue)	0
143 460	Design issue fee	0
122 130	Petitions to the Commissioner	0
123 50	Petitions related to provisional applications (37 C.F.R. 1.17(q))	0
126 180	Submission of Information Disclosure Statement	0
146 740	Filing a submission after final rejection (37 CFR § 1.129(a))	0
149 740	For each additional invention to be examined (37 CFR § 1.129(b))	0
179 740	Request for Continued Examination (RCE)	0
169 900	Request for expedited examination of a design application	0
091 1280	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	0
	Other fee (specify)	0
	Other fee (specify)	0

* Reduced by Basic Filing Fee Paid **SUBTOTAL(3) (\$)[0]****SUBMITTED BY**

Name (Print/Type)	Theodore P. Cummings	Registration No.	40,973	Complete (if applicable)	Telephone	(513) 634-1906
Signature		(Attorney/Agent)		Date	12/19/01	

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(Revised for P&G use 12/7/01)